

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS D. McCracken,

Plaintiff,

No. CIV S-03-1047 FCD DAD P

vs.

M. SMELOSKY, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights action. Pursuant to the scheduling order filed in this case on October 19, 2004, a pretrial conference is set before the undersigned on September 30, 2005, and jury trial is set before the Honorable Frank C. Damrell Jr. on December 20, 2005. Before the court is plaintiff's request for five blank subpoena forms.

Plaintiff is referred to the October 19, 2004 scheduling order, which provides that subpoena forms shall not be submitted to the United States Marshal for service earlier than four weeks before trial. Plaintiff is reminded that each subpoena form must be accompanied by payment of the daily witness fee and travel expenses for the witness. The court will grant plaintiff's request for subpoena forms but cautions plaintiff against submitting the forms prior to November 22, 2005.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's August 24, 2005 request for subpoena forms is granted; and
2. The Clerk of the Court shall send plaintiff five blank subpoena forms with this

order.

DATED: September 13, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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